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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,567	03/31/2004	Nigel C. Paver	42P18410	9397

7590

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EXAMINER

CRIBBS, MALCOLM D

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/815,567

Applicant(s)

PAVER, NIGEL C.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

*Claims 1-23 are presented for examination.*

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### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10        Claims 1, 10, 12, 14, 15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15        Claim 1 recites the limitation "the chip" in the 3<sup>rd</sup> line of claim 1. There is insufficient antecedent basis for this limitation in the claim.

      Claim 10 recites the limitation "the chip" in the 1<sup>st</sup> line of claim 10. There is insufficient antecedent basis for this limitation in the claim.

20        Claim 12 recites the limitation "the chip" in lines 1 and 2 of claim 12. There is insufficient antecedent basis for this limitation in the claim.

      Claim 14 recites the limitation "the chip" in the 2<sup>nd</sup> line of claim 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the chip" in lines 1 and 2 of claim 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the temperature range" in the 2<sup>nd</sup> line of claim 15.

5 There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the chip" in lines 1 and 2 of claim 17. There is insufficient antecedent basis for this limitation in the claim.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claims 1-3** are rejected under 35 U.S.C. 102(e) as being anticipated by Pate

[Publication No. US 2004/0080717].

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**As per claim 1**, Pate teaches the invention comprising:

monitoring one or more sensor outputs of a sensor [Fig. 4, 5, and 6 thermal sensor mechanism], the sensor to measure a power consumption property [wherein the

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sensor 610 senses the temperature] of the chip, and each sensor output to indicate a measurement of the power consumption property [Page 4, [0036]]; and

recording a time that each of the one or more sensor outputs [Fig. 5 and 6, thermal sensing mechanism's] indicates an existence of the power consumption

5 property [the amount of time the temperature is greater than a threshold temp  $T_2$  is recorded] at a corresponding measurement [Page 2, [0020]].

**As per claim 2**, Pate teaches the invention wherein the power consumption property of the chip comprises temperature, and the temperature comprises a  
10 temperature range including one or more temperatures [Page 2, [0020]].

**As per claim 3**, Pate teaches the invention wherein each sensor output corresponds to a temperature range, and indicates the existence of the one or more temperatures measured at the corresponding sensor output [Page 2, [0020]; Page 4,  
15 [0036]].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 3-5, 6-8, 9-13, 14-18, and 19-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pate [Publication No. US 2004/0080717] in view of Maitra [US Patent No. 5,623,647].

5       **As per claims 6-8**, Pate teaches the invention comprising:

obtaining event data, the event data including a time that each of one or more sensor outputs indicates an existence of a power consumption property at a corresponding measurement [Page 2, [0020]; Page 4, [0036]].

10       Pate does not teach a method of monitoring one or more parts of an application and correlating the event data with that of the application. Specifically, Pate teaches a method of monitoring temperature and responding to the monitored temperature in order to maintain the temperature within a desired range wherein the performance is affected. However, Pate fails to detail a method of not affecting the performance of the  
15       apparatus while compensating for temperature. A routineer in the art would have been motivated to look for a teaching for the possible method of compensating for excessive temperatures while the performance remains constant.

20       Maitra teaches another method of compensating for excessive temperatures by reducing power consumption and thermal dissipation without affecting the performance of the apparatus. Maitra teaches a method of monitoring one or more parts of an application [Col 8 lines 47-51], and correlates the event data with the application [Col 8

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line 55 – Col 9 line 1; the amount of time required for each application is correlated with the next application to be run]. In summary Maitra teaches a method of correlating the event data with the application.

5           It would have been obvious to one of ordinary skill in the art to combine the teachings of Pate and Maitra, which are analogous art, because they both teach a method of compensating for excessive temperature. Maitra covers the deficiency of Pate by teaching the detail of not affecting the performance of the apparatus while compensating for temperature with the added benefit of correlating the event data with  
10   the application.

**As per claims 9-13**, it is directed to an apparatus to implement the method of steps as set forth in claims 6-8. Therefore, it is rejected for the same basis as set forth hereinabove.

15           **As per claims 14-18**, it is directed to a system to implement the method of steps as set forth in claims 6-8. Therefore, it is rejected for the same basis as set forth hereinabove. Maitra teaches a performance analyzer [[Fig. 3, interface unit 330] to use the information of the next application to be run and the amount of time required to run  
20   that application [the correlated information]; thus teaching a performance analyzer to use the correlated information].

**As per claims 19-23**, it is directed to a machine-readable medium to implement the method of steps as set forth in claims 6-8. Therefore, it is rejected for the same basis as set forth hereinabove.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

15 Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

20 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

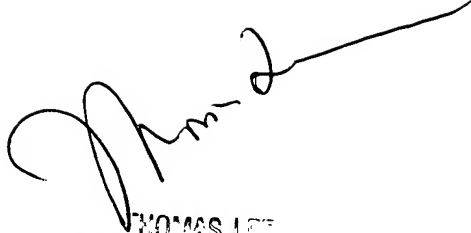
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August 23, 2006



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